



INTERIOR BOARD OF INDIAN APPEALS

Jackson County, Kansas v. Acting Southern Plains Regional Director,
Bureau of Indian Affairs

37 IBIA 68 (12/31/2001)

Related Board cases:

36 IBIA 152

36 IBIA 164

37 IBIA 61

Reconsideration denied, 37 IBIA 67

38 IBIA 6



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

JACKSON COUNTY, KANSAS,
Appellant

v.

ACTING SOUTHERN PLAINS REGIONAL
DIRECTOR, BUREAU OF INDIAN
AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 02-23-A
:
:
:
: December 31, 2001

This is an appeal from two September 20, 2001, decisions issued by the Acting Southern Plains Regional Director, Bureau of Indian Affairs (Regional Director), each concerning the acquisition of land in trust for the Prairie Band of Potawatomi Indians (Tribe). The appeal was filed by Jackson County, Kansas (Appellant).

One of the September 20, 2001, decisions (Regional Director's Decision No. 1) concerned land described by the Regional Director as:

A tract of land in the Northwest Quarter of Section 22, Township 8 South, Range 15 East of the 6th P.M., described as follows: Beginning at a point 691 feet North of the Southwest Corner of the Northwest Quarter of Section 22, Township 8 South, Range 15 East, thence East 608.0 feet, thence North 321.14 feet; thence West 608.0 feet to the West line of the Northwest Quarter, thence South along the West line 321.14 feet to the point of beginning, Jackson County, Kansas.

The other September 20, 2001, decision (Regional Director's Decision No. 2) concerned land described by the Regional Director as: "The North Half of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 23, Township 8 South, Range 14 East of the 6th P.M., Jackson County, Kansas, containing 120 acres, more or less."

Both of the Regional Director's decisions informed Appellant that its notice of appeal must be mailed within 30 days of Appellant's receipt of the decision.

Both decisions were received by Appellant on September 24, 2001, as shown by the return receipt for certified mail (green card) for Appellant's copies of the decisions. Appellant's notice of appeal to the Board was postmarked November 15, 2001, and is clearly untimely.

Appellant filed an earlier notice of appeal from Regional Director's Decision No. 1. That appeal remains on the Board's docket as Docket No. IBIA 02-17-A.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed as untimely. 1/

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

1/ As a result of this order, and the dismissal of appeals filed by the State of Kansas from the same two Regional Director's decisions, Kansas v. Acting Southern Plains Regional Director, 37 IBIA 61, recon. denied, 37 IBIA 67 (2001), Regional Director's Decision No. 2 is now final for the Department of the Interior.